

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

LINDA J. WALKER,

Plaintiff,

v.

ANDREW M. SAUL,
Commissioner of Social Security,

Defendant.

Civil Action No. 7:20CV00027

FINAL JUDGMENT AND ORDER

By: Hon. Glen E. Conrad
Senior United States District Judge

Plaintiff Linda J. Walker filed this action challenging the final decision of the Commissioner of Social Security denying her claim for a period of disability and disability insurance benefits under Title II of the Social Security Act, 42 U.S.C. §§ 401–434. The matter was referred to United States Magistrate Judge Robert S. Ballou, pursuant to 28 U.S.C. § 636(b)(1)(B), for proposed findings of fact, conclusions of law, and a recommended disposition. The magistrate judge submitted a Report and Recommendation on February 22, 2021, in which he recommends that the court grant in part the plaintiff’s motion for summary judgment, deny the Commissioner’s motion for summary judgment, and remand the case to the Commissioner for additional consideration under sentence four of 42 U.S.C. § 405(g). No objections to the Report and Recommendation have been filed, and the court is of the opinion that the Report and Recommendation should be adopted in its entirety. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (discussing the standard of review that applies in the absence of any objections).

Accordingly, it is hereby

ORDERED

as follows:

1. The Report and Recommendation, ECF No. 19, is **ADOPTED** in its entirety;
2. The plaintiff's motion for summary judgment, ECF No. 15 is **GRANTED IN PART**;
3. The Commissioner's motion for summary judgment, ECF No. 11, is **DENIED**;
4. The case is **REMANDED** to the Commissioner for further development and consideration;
5. Upon remand, should the Commissioner be unable to decide this case in plaintiff's favor on the basis of the existing record, the Commissioner shall conduct a supplemental administrative hearing at which both sides will be allowed to present additional evidence and argument; and
6. The parties are advised that the court considers this remand order to be a "sentence four" remand. See Shalala v. Schaefer, 509 U.S. 292 (1993); Melkonyan v. Sullivan, 501 U.S. 89 (1991). Thus, this order of remand is a final order. If the Commissioner should again deny plaintiff's claim for benefits, and should plaintiff again choose to seek judicial review, it will be necessary for plaintiff to initiate a new civil action within sixty (60) days from the date of the Commissioner's final decision on remand. See 42 U.S.C. § 405(g).

The Clerk is directed to send copies of this order to all counsel of record.

DATED: This 10th day of March, 2021.



Senior United States District Judge